

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AXIOM INSURANCE MANAGERS, LLC, and)	
DAN DJORDJEVIC,)	
Plaintiffs,)	
)	
v.)	No. 11-cv-04736
)	
CAPITOL SPECIALTY INSURANCE)	
CORPORATION,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Axiom Insurance Managers, LLC (“Axiom”) and Dan Djordjevic (“Djordjevic”), (collectively, “Plaintiffs”), pursuant to Fed. R. Civ. P. 56(c) and Local Rule 56.1, moves for partial summary judgment as to whether Defendant Capitol Specialty Insurance Corporation (“Capitol”) owes a duty to defend Plaintiffs under the general liability policy at issue. In support of its motion, Plaintiffs state as follows:

1. Plaintiffs are entitled to summary judgment as to the issue of whether Capitol has a duty to defend in the Texas Lawsuit because the allegations in the Texas Lawsuit trigger a duty to defend, and none of the policy exclusions asserted by Capitol apply to preclude coverage.

2. Similarly, Plaintiffs are entitled to summary judgment as to the issue of whether Capitol has a duty to defend in the Maryland Lawsuit because the allegations in the Maryland Lawsuit trigger a duty to defend, and none of the policy exclusions asserted by Capitol apply to preclude coverage.

3. Finally, Plaintiffs are entitled to summary judgment as to the issue of whether Capitol has a duty to defend with respect to the Rule 11 Motion filed in the Illinois Lawsuit

because the allegations in the Rule 11 Motion trigger a duty to defend, and none of the policy exclusions apply to preclude coverage.

4. Plaintiffs have filed a Memorandum of Law in support of their Motion for Partial Summary Judgment, and incorporate herein the arguments and authorities contained in that Memorandum.

Respectfully submitted,

AXIOM INSURANCE MANAGERS
AGENCY, LLC and DAN DJORDJEVIC

By: /s/ Richard R. Winter
One of their attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Plaintiff's Motion for Partial Summary Judgment, was filed via the Court's electronic filing system and that service upon all counsel of record for the defendant pursuant to the ECF for filing users this 22nd day of September, 2011.

/s/ Richard R. Winter